

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HAMEAD JAHER AL-SHEWAILY,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-0946-HE
)	
MICHAEL B. MUKASEY, et al.,)	
)	
Respondents.)	

ORDER

Petitioner Hamead Jaher Al-Shewaily, appearing pro se, instituted this action pursuant to 28 U.S.C. § 2241 seeking habeas relief. In his petition he challenges his continued post-removal detention by Immigration Customs Enforcement (“ICE”) of the Department of Homeland Security. He claims his detention is not authorized by statute and violates his constitutional rights.


Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Bana Roberts, who has recommended that the petition be denied. The magistrate judge rejected the petitioner’s claim that his detention by ICE officials pending his removal to Iraq violates ICE’s statutory authority, finding that the petition was prematurely filed and that the petitioner has not demonstrated there is no significant likelihood of removal in the reasonably foreseeable future. She also concluded that, without a showing that his continued detention exceeds ICE’s statutory authority, the petitioner could not establish a substantive due process violation. Finally, the magistrate judge found that the petitioner’s allegations were insufficient to warrant relief for a procedural due process violation.

The petitioner responded to the Report and Recommendation, asking the court to “withdraw or follow thru with the Report and Recommendation.” Petitioner’s response, p. 1. He stated that “[o]n this matter I, the petitioner do not need the court to review this case matter.” *Id.*

Accordingly, in the absence of an objection and with the petitioner’s agreement, the court adopts the Report and Recommendation and **DENIES** the petition for a writ of habeas corpus.

IT IS SO ORDERED.

Dated this 18th day of December, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE